APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,959	12/11/2000	Doron Elgressy	0655/62931	5350

7590   08/23/2005

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EXAMINER
NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06 June 2005_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-26_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-26_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is in response to the communication dated June 6, 2005 with the

amendments to claims 1 and 5 and the addition of claims 15-26.

2.   Claims 1-26 are pending.

Response to Arguments

3.   Applicant's arguments filed June 6, 2005 have been fully considered but they are

not persuasive.

4.   Applicant argues that Toubould relates to a system that determines whether to

allow or block the undesirable application (i.e. hostile downloadables) and Hayman

relates to a system that denies access to malicious code that attempts to modify objects

in the virus prevention region. Toubould and Hayman do not teach preventing hostile

use of computer resources by an application running on a workstation.

The examiner disagrees, Toubould prevents hostile use of computer resources by

having a system to protect a computer and a network from unspecified applications (i.e.

suspicious downloadables; Abstract) and to prevent suspicious downloadables from

reaching the internal computer network (col. 3, lines 10-13) which eventually perform

any undesirable operations (i.e. hostile use of computer resources) or threaten the

integrity of internal computer network component (col. 3, lines 13-19). Hayman prevents

viruses (i.e. unspecified application) from expanding into areas where they can destroy

stored programs or data (i.e. computer resources) (col. 1, lines 49-57). In other words,

Toubould and Hayman disclose preventing hostile use of computer resources by an

application running on a workstation.

5.   In response to applicant's argument that there is no teaching or suggestion in the

cited art of a method for preventing hostile use of computer resources by an application

running on a workstation (Remarks, page 11), a recitation of the intended use of the

claimed invention must result in a structural difference between the claimed invention

and the prior art in order to patentably distinguish the claimed invention from the prior

art. If the prior art structure is capable of performing the intended use, then it meets the

claim. In a claim drawn to a process of making, the intended use must result in a

manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576,

152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459

(CCPA 1963).

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

7.   Claims 15, 19, 21, 23 and 25-26 are rejected under 35 U.S.C. 102(e) as being

anticipated by Touboul (6,092,194).

        a)   As to claims 15, 19, 23 and 25-26, Touboul discloses a system and

method for protecting a computer and a network from hostile downloadables (i.e.

preventing hostile use of computer resources in a network) comprising: providing a list

of computer resources (col. 5, line 59 to col. 6, line 4; Fig. 3, element 310) that cannot

be used by certain applications downloaded from outside the workstation (i.e. hostile

downloadables, col. 4, lines 21-22); determining whether computer resources in any

direct or indirect request by the downloaded application to use computer resources is in

the list of computer resources, such that the request is allowable (col. 4, lines 18-21);

wherein if the request is allowable, allowing the workstation to use the computer

resources requested (Fig. 6C, element 666); and wherein if the request is not allowable,

preventing the workstation from using the computer resources requested (Fig. 6C,

element 670).

        b)   As to claim 21, Touboul discloses the computer resources comprise local

network resources including workstation resources (col. 5, line 59- col. 6, line 3).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-14, 16-18, 20, 22, and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Touboul (6,092,194) in view of Hayman et al. (5,859,966).

        a)   As to claims 1 and 24, Touboul discloses a system and method for

protecting a computer and a network from hostile downloadables comprising:

                i)   providing a list of services (col. 5, lines 59-67 to col. 6, lines 1-4;

Fig. 3, element 310) that are not allowed for access by unspecified applications

(col. 4, lines 21-22)

                ii)   when such unspecified application runs on the workstation,

preventing the application from accessing any resource directly (addressed by

Hayman et al.)

                iii)   analyzing any direct or indirect request for access to specific

services, to determine whether such request is allowable according to the list

defined under i) above (col. 4, lines 18-21)

                iv)   if the request is allowable, allowing the workstation to process it

(Fig. 6C, element 666)

                v)   if the request is not allowable, preventing the unspecified

application from accessing the requested resource (Fig. 6C, element 670)

                wherein the resource may be any local or remote resource, including, but

not limited to, memory allocation, files, directories, operations with files and

directories, such as copy, delete or compress, or any other operation leading to a

permanent change in the workstation or its periphery (col. 5, lines 59-67 to col. 6, lines 1-4).

Touboul discloses security systems are designed to prevent viruses i.e. unspecified applications from attacking computer systems (col. 1, lines 37-40). However, Touboul does not explicitly disclose when unspecified application runs on the workstation, preventing the application from accessing any resource directly.

Hayman discloses a security system for computer systems that prevents a hostile use of computer resources by an application running on a workstation (Abstract) comprising the step of when unspecified application runs on the workstation, preventing the application from accessing any resource directly (col. 7, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of preventing unspecified application from accessing any resource directly in the system of Touboul as Hayman teaches to effectively protect computer resources.

b)   As to claims 2, 16 and 20, Touboul discloses the method wherein the list of services is provided as a look-up table (col. 5, lines 59-67 to col. 6, lines 1-4; Fig. 3, element 310; col. 5, lines 45-48).

c)   As to claims 3, 9 and 17, Touboul discloses the method wherein an unspecified application is an application which is not specifically identified in a pre-set list of applications (col. 4, lines 29-33).

d)   As to claims 4, 8, 10, 12-14, 18 and 22, Touboul discloses the method

wherein the pre-set list of applications includes a list of resources which each

application may utilize (col. 4, lines 33-40; Figure 4).

e)   As to claim 5, Touboul discloses an agent for protecting a workstation

against the hostile use of computer resources by an unspecified application running on

the workstation comprising:

       i)   means for detecting an unspecified application running on the

workstation (Figure 3, "Path 1")

       ii)   means for determining the requests for resources to be used by the

unspecified application (addressed by Hayman).

       iii)   means for identifying chain requests for resources utilization,

wherein the chain requests comprise requests made by resources called by the

unspecified application (Figure 3, "Path 4")

       iv)   means for determining whether requests made directly by the

unspecified application are allowable (Figure 3, "Path 2")

       v)   means for determining whether requests made indirectly, as chain

requests, by the unspecified application would be not allowable if made directly

by the unspecified application (Figure 3, "Path 2" and "Path 4"; col. 5, lines 10-

15)

       vi)   means for preventing the chain request from being processed, if it

is determined that the request is not allowable, or that it would not be allowable if

made directly by the unspecified application, and for allowing its processing if

otherwise determined (Figure 6C).

Touboul discloses security systems are designed to prevent viruses i.e.

unspecified applications from attacking computer systems (col. 1, lines 37-40).

However, Touboul does not explicitly disclose means for determining the requests for

resources to be used by the unspecified application.

Hayman discloses a security system for computer systems that prevents a

hostile use of computer resources by an application running on a workstation (Abstract)

comprising means for determining the requests for resources to be used by the

unspecified application (col. 7, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to employ the use of determining the requests for resources to be used by the

unspecified application in the system of Touboul as Hayman teaches to effectively

protect computer resources.

f)   As to claim 6, Touboul discloses the agent wherein the means for

determining whether requests made directly or indirectly by the unspecified application

are allowable comprise a look-up table including a list of services that are not allowed

for access by unspecified applications (col. 5, lines 10-15; Figure 4).

g)   As to claims 7 and 11, Touboul discloses the agent wherein the resources

may be any local or remote resource, including, but not limited to, memory allocation,

files, directories, operations with files and directories, such as copy, delete or compress,

or any other operation leading to a permanent change in the workstation or its periphery
(col. 5, lines 59-67 to col. 6, lines 1-4).

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-

3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
8/16/05

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER